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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,117	05/25/2001	Jose A. Irizarry, P.E	BUSIN-P2636	4930
21259	7590	10/05/2004		
J MARK HOLLAND & ASSOCIATES 3 CIVIC PLAZA SUITE 210 NEWPORT BEACH, CA 92660			EXAMINER VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/866,117

Applicant(s)

IRIZARRY, P.E, JOSE A.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4/30/04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Application History***

1. This action is responsive to the application filing, Application filed on 5/25/2001.
2. Claims 1-34 are pending in the case, claims 1, 7, 9, 13, 17, 20, 21, 22 and 24 are independent claims.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "32" on page 12, line 15.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:
  - The disclosure recites: "*reports can include calculated data values 46 and numerically (FIGS. 6 and 7) or graphically (FIGS. 4 and 5) display those values*" (page 12, lines 16-17). Figures 4 and 7 fail to disclose a reference sign 46.

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- The disclosure recites: "*a number of modules 50 (see FIGS. 9-16)*" (page 12, lines 22-23). Figures 9-16 fail to disclose a reference sign 50.
- The "*Description of Preferred Embodiment*" section of the disclosure fails to provide a description for Figure 8.
- The disclosure recites: "*preferred modules 50*" (page 13, line 22) and "*modules 50*" (page 14, line 4). The specification fails to indicate which figure contains the recited reference sign.
- The disclosure recites those reference signs listed in paragraph 3 above, which are not shown in the drawings.

Appropriate correction is required.

5. The use of the following trademarks has been noted in this application:

- "*Microsoft Access*" on page 4, line 20.
- "*Visual Basic*" on page 5, line 2.
- "*Oracle*" on page 5, line 2.
- "*Microsoft Windows*" on page 8, line 8.
- "*Pareto*" on page 9, line 16; and page 20, line 6.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to

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prevent their use in any manner, which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. "*

7. Claims 1, 2, 14, 15, 16 and 24-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. **Regarding claims 1 and 2**, the term "*nearly instantaneously*" in the claims is a relative term, which renders the claims indefinite. The term "*nearly instantaneously*" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
9. **Regarding claim 14**, the term "*other information*" in the claim is a relative term, which renders the claim indefinite. The term "*other information*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
10. **Regarding claim 15**, the term "*nearly immediately*" in the claim is a relative term, which renders the claim indefinite. The term "*nearly immediately*" is not defined by the claim, the specification does not provide a

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standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

11. **Regarding claim 16**, the claim recites the limitation "*said work area's compliance*" (page 19, lines 4-5) in reference to claim 13. There is insufficient antecedent basis for this limitation in the claim.
12. **Regarding claim 24**, the term "*sufficient number*" in the claim is a relative term, which renders the claim indefinite. The term "*sufficient number*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
13. **Regarding claim 25**, the term "*timely manner*" in the claim is a relative term, which renders the claim indefinite. The term "*timely manner*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
14. **Regarding claim 26**, the term "*periodically conducting*" in the claim is a relative term, which renders the claim indefinite. The term "*periodically conducting*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
15. **Regarding claims 27-34**, each of the claims recites the following limitation: "*using the software*" in the first lines of the claims in reference to claim 24. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."*

17. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Furukawa et al. US Patent 5,237,508, filed 4/10/1991, patented 8/17/1993 (hereinafter Furukawa).

18. **Regarding independent claim 1**, Furukawa discloses a computer application to organize and monitor work related productivity information. Furukawa recites: *"an object of the present invention is to realize a line controlling and managing system that can meet the requirements of producing many kinds of products in small quantities within a short delivery period, improving the productivity of a product control system"* (column 1, lines 38-43). Furukawa also discloses a database to enter and store productivity data. Furukawa recites: *"NC data is centrally controlled by a database in the line control system 3. The cell controllers 2-1 to 2-N refer to the database with a server function to correct or add the data"* (column 7, lines 14-17). Furukawa further discloses data presentation. Furukawa



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discloses in Figures 3B and 3C the presentation of data in textual and graphical formats.

19. **Regarding dependent claim 2**, Furukawa discloses data presentation in Figures 3B and 3C, where the presentation of data is made in both textual and graphical formats.

20. **Regarding dependent claim 3**, Furukawa discloses a computer application for use in manufacturing facilities. Furukawa recites: *"FIG. 1 is a schematic view showing a unit assembling line control system serving as a product control system applied to the present invention"* (column 6, lines 25-27).

21. **Regarding dependent claims 4 and 5**, Furukawa discloses a computer application with modules for production related results. Furukawa recites: *"It is preferable that the line control system collects the state of each set of facilities through the corresponding cell controller, and informs each cell controller of the states of all facilities. It is preferable that the line control system comprises a logging file for storing operation results collected in real time, and the contents of the logging file can be reproduced on a monitor screen later. It is preferable that the line control system manages the progress of products to be processed, and displays the location of a product on a graphic screen upon inputting the name of the product"* (column 3, lines 56-68, emphasis added).

22. **Regarding dependent claim 6**, Furukawa discloses storing data.

Furukawa recites: *"The line control system preferably has a dump file for dumping a state of work suspension when work is suspended in a lot to terminate operation of the system. When the system is restarted, the work can be started from the state stored in the dump file"* (column 3, lines 51-55).

23. **Regarding independent claim 7**, the claim is directed toward a computer database for the computer application of claim 1, and is rejected using the same rationale.

24. **Regarding dependent claim 8**, the claim is directed toward a computer database for the computer application of claim 4, and is rejected using the same rationale.

25. **Regarding independent claim 9**, Furukawa discloses a method to improve productivity in a work environment. Furukawa recites: *"an object of the present invention is to realize a line controlling and managing system that can meet the requirements of producing many kinds of products in small quantities within a short delivery period, improving the productivity of a product control system"* (column 1, lines 38-43). Furukawa discloses examining a work area to evaluate productivity factors and tracking the productivity data in a database. Furukawa recites: *"FIG. 1 is a schematic view showing a unit assembling line control system serving as a product control system applied to the present invention. In the figure, each set of facilities 1-1, 1-2, 1-3, ..., 1-N including parts mounters, rack storages, and transporting*

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*equipment has corresponding cell controllers 2-1, 2-2, 2-3, ..., 2-N. The cell controllers control the facilities, collect production results, and provide information for operators of the corresponding facilities"* (column 6, lines 24-32). Furukawa also discloses a database to enter and store productivity data. Furukawa recites: *"NC data is centrally controlled by a database in the line control system 3. The cell controllers 2-1 to 2-N refer to the database with a server function to correct or add the data"* (column 7, lines 14-17). Furukawa further discloses data presentation. Furukawa discloses in Figures 3B and 3C the presentation of data in textual and graphical formats.

26. **Regarding dependent claim 10**, Furukawa discloses a work customized computer application in Figure 3A at reference sign 3.
27. **Regarding dependent claim 11**, Furukawa discloses a work environment in the form of an industrial facility. Furukawa recites: *"The present invention relates to a production control system comprising production facilities and physical distribution facilities, and particularly to a control and management system of a unit assembling line"* (column 1, lines 6-9).
28. **Regarding dependent claim 12**, Furukawa discloses a centralized system in Figure 3A at reference sign 3.
29. **Regarding independent claim 13**, Furukawa discloses a method to improve productivity in a work environment. Furukawa recites: *"an object of the present invention is to realize a line controlling and managing system that*

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*can meet the requirements of producing many kinds of products in small quantities within a short delivery period, improving the productivity of a product control system"* (column 1, lines 38-43). Furukawa also discloses a database to enter and store productivity data. Furukawa recites: *"NC data is centrally controlled by a database in the line control system 3. The cell controllers 2-1 to 2-N refer to the database with a server function to correct or add the data"* (column 7, lines 14-17). Furukawa further discloses in Figures 3B and 3C the presentation of data in textual and graphical formats. Furukawa also discloses optimizing a work area based upon analysis of the work related information. Furukawa recites: *"According to feeding dates on the weekly schedule, the execution schedule preparing process 420 picks up articles to be fed for a day in question. If there are articles that will not be fed as scheduled due to urgent articles or a shortage of articles, the feeding schedule is changed. Newly fed articles are added to the reminder (including half-finished articles) of the execution schedule of the preceding day to prepare the execution schedule for the day in question (refer to FIGS. 30A and 30B). An aim of this execution schedule is to improve an operation rate and reduce the number of preparations"* (column 10, lines 6-16).

30. **Regarding dependent claims 14-16**, the claims are rejected under 35 USC § 102 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (as described above), and are rejected for fully incorporating the deficiencies of the base claim.

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31. **Regarding independent claim 17**, the claim is directed toward a computer database for the computer application of claim 1, and is rejected using the same rationale.
32. **Regarding dependent claim 18**, the claim is directed toward a computer database for the computer application of claim 4, and is rejected using the same rationale.
33. **Regarding dependent claim 19**, the claim is directed toward a computer database for the computer application of claim 6, and is rejected using the same rationale.
34. **Regarding independent claim 20**, the claim is directed toward a computer database for the computer application of claim 1, and is rejected using the same rationale.
35. **Regarding independent claim 21**, Furukawa discloses software to improve productivity in a work environment. Furukawa recites: *"an object of the present invention is to realize a line controlling and managing system that can meet the requirements of producing many kinds of products in small quantities within a short delivery period, improving the productivity of a product control system"* (column 1, lines 38-43). Furukawa discloses a data entry screen in Figure 52 (shown as *"Parts Specification Managing Table"*), with one or more data entry fields (shown as *"Quantity"*), where the data entry fields are production data (shown as *"Quantity"*), and a database with

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modules and presentation capabilities (as previously described – see rejection of claim 1 above). Furukawa discloses an algorithm for manipulating the data in Figure 8 at reference signs 81-83. Furukawa discloses in Figure 3C a presentation of production forecast information (shown as “*Chart for Evaluation Schedule*”).

36. **Regarding independent claim 22**, the claim is directed toward business analytical software for the software of claim 21, and is rejected using the same rationale.
37. **Regarding dependent claim 23**, the claim is rejected for fully incorporating the deficiencies of the base claim.
38. **Regarding independent claim 24**, Furukawa discloses software to improve productivity in a work environment. Furukawa recites: “*an object of the present invention is to realize a line controlling and managing system that can meet the requirements of producing many kinds of products in small quantities within a short delivery period, improving the productivity of a product control system*” (column 1, lines 38-43). Furukawa discloses a multi user system. Furukawa recites: “*The cell controllers control the facilities, collect production results, and provide information for operators of the corresponding facilities*” (column 6, lines 30-33).
39. **Regarding dependent claims 25-34**, the claims are rejected under 35 USC § 102 as being indefinite for failing to particularly point out and distinctly

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claim the subject matter which applicant regards as the invention (as described above), and are rejected for fully incorporating the deficiencies of the base claim.

### ***Conclusion***

40. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent/Publication</u>	<u>Date</u>	<u>Inventor</u>
• US-5,557,710	09-1996	Amdursky et al.
• US-5,754,181	05-1998	Amdursky et al.
• US-5,878,398	03-1999	Tokuda et al.
• US-6,038,541	03-2000	Tokuda et al.
• US-6,292,830	09-2001	Taylor et al.
• US-6,401,073	06-2002	Tokuda et al.
• US-6,536,037	03-2003	Guheen et al.
• US-6,674,038	01-2004	Latta, John S.
• US-2002/0010563	01-2002	RATTEREE et al.
• US-2002/0091536	07-2002	Seaman et al.
• US-2002/0099612	07-2002	Seaman et al.

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672 (after 10/12/2004 use (571) 272-4131). The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

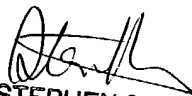
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (703) 308-5465 (after 10/12/2004 use (571) 272-4124). The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306 (after 10/12/2004 use (571) 272-2100).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
September 24, 2004

  
STEPHEN S. HONG  
PRIMARY EXAMINER